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TOWN AND COUNTRY PLANNING ACT 1990 PRIOR NOTIFICATION

Reference: H17-0485-25 **Date of Decision:** 15th July 2025
Applicant: Mr H Brown
The Chestnuts
Reservoir Road
Surfleet
Spalding
PE11 4DH
Location: Rear Of The Chestnuts Reservoir Road Surfleet Spalding
Description: Conversion of agricultural building into dwelling

South Holland District Council, in pursuance of the provisions of the Town and Country Planning Act 1990 (as amended), hereby give notice that permission has been REFUSED (or equivalent) for the development referred to above, for the following reason(s):

- 1 The building is located in Environment Agency Flood Zone 1; however, the surrounding land and access road is located in Flood Zone 3. Furthermore, the SFRA states that the building is in an area that is a "Danger for Most" hazard area, which has a Hazard Depth of 1.25m - 2m. In such areas the South Lincolnshire Standing Advice Matrix, in line with the Environment Agency, requires a minimum of two floors and potentially increased finished floor levels.

The application is not supported by information surrounding flood depth associated with this site. The South East Lincolnshire SFRA forms the basis of this assessment. Without this level of information, it cannot be established that the proposed dwelling would be safe for its lifetime in the instance of a flood event.

In any event, the level of works that would be required to achieve the necessary flood mitigation to ensure that the scheme exceeds the flood depths, may be such that the

resultant floor to ceiling height would be below the 2.3 metres required under the nationally described space standards, thus preventing the conversion from occurring under Part 3, Paragraph 9A of the General Permitted Development Order, 2015. It is on the basis that the proposed development may present a risk to human life should a flood event occur, with no demonstrable (or potential for) a safe place of refuge should such an event take place.

The proposal is considered to be contrary to policy 4 of the South East Lincolnshire Local Plan and has failed to demonstrate that nationally described space standards can be met, given the insufficient information surrounding flood depths and potential mitigation measures required, especially the need for increased finished floor levels as well providing safe refuge.

- 2 The Local Planning Authority do not consider that the last known lawful use of the building has been adequately demonstrated and insufficient information has been provided in this regard for the Local Planning Authority to be clear that the use of the building is agricultural; and as such, are unclear whether it would meet with the terms of Schedule 2, Part 3, Class Q.

Notes:

The determined plans are:

Application Form

22/621/PA/012A - Prior Approval (Proposed)

SW 25-165-REP-01 - Visual Structural Inspection & Subsequent Structural Assessment
Flood Risk Assessment by TAC Architects

The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise. However, the issues are so fundamental to the proposal, due to the harm which has been clearly identified within the reason(s) for the refusal, that approval has not been possible.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at <http://planning.sholland.gov.uk/OcellaWeb/planningSearch>



Phil Norman
Assistant Director - Planning and Strategic Infrastructure
South Holland District Council

RIGHTS OF APPEAL

Appeals to the Secretary of State

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or grant consent subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990 or Section 20 of the Planning (Listed Building and Conservation Areas) Act 1990.

Timescales for appealing

The deadlines for appeals are calculated from the **date of decision** and are as follows for the types of applications below:

12 Weeks	6 Months	8 Weeks
Householder Applications	Planning Permission	Consent to Display Adverts
Minor Commercial Development	Listed Building Consent	
Agricultural Determinations	Other Prior Approval Applications	
Householder Prior Approval Applications		

<https://www.gov.uk/appeal-householder-planning-decision>

<https://www.gov.uk/appeal-planning-decision>

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planning-inspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

Enforcement Notices

If an enforcement notice was served prior to the planning application being determined then the deadline for appealing is 28 days from the date of the **planning refusal**.

If an enforcement notice is served after the planning application is determined then the deadline for appealing is 28 days from the date of the **enforcement notice OR the timescales stated above for each application type** from the date of the planning refusal - whichever is sooner.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in

giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under the order.

Purchase Notices

If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grant it subject to conditions the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of the Part VI of the Town and Country Planning Act 1990 or Section 32 of the Planning (Listed Building and Conservation Areas) Act 1990.

Compensation

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990 and Section 27 of the Planning (Listed Building and Conservation Areas) Act 1990.